UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MONSANTO COMPANY and)	
MONSANTO TECHNOLOGY LLC,)	
Plaintiffs,)	Case No. 4:09-cv-00686-ERW
vs.)	Case No. 4.09-cv-00080-ERW
E.I. DU PONT DE NEMOURS AND)	
COMPANY and)	
PIONEER HI-BRED INTERNATIONAL,)	
INC.,)	
)	
Defendants.)	

MOTION FOR LEAVE TO FILE UN-REDACTED MEMORANDUM AND EXHIBITS UNDER SEAL

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively "Monsanto"), respectfully move the Court for an order allowing Monsanto to file a complete, unredacted copy of Monsanto's Reply in Support of Its First Motion to Compel, and Exhibits 1 and 2 thereto, under seal. As grounds for this relief, Monsanto states:

1. This action is for patent infringement, breach of contract, unjust enrichment, and injunctive relief against Defendants E.I. du Pont de Nemours and Company ("DuPont") and Pioneer Hi-Bred International, Inc. ("Pioneer") involving United States Patent No. U.S. RE 39,247E (the "'247 Patent'') and Monsanto's grant of licenses to Monsanto's patented and proprietary soybean technology and corn technology pursuant to two licenses between Monsanto and Pioneer entered into on April 1, 2002: (1) an Amended and Restated Roundup Ready Soybean License Agreement (Exhibit B to the Complaint) and (2) a Roundup Ready Corn License Agreement (Exhibit C to the Complaint) (hereafter referred to collectively as the

"License Agreements"). The specific terms of the License Agreements are subject to

confidentiality provisions contained within the underlying licenses. See Exs. B & C to

Complaint.

2. This Court has previously allowed the parties to file various un-redacted

pleadings and confidential documents under seal. See e.g., Docket Text Orders entered May 20,

2009 and June 17, 2009. Further, the protective order entered herein provides for the filing of

confidential information and documents under seal.

Portions of Monsanto's reply in support of its motion to compel contain language 3.

quoted directly from or paraphrase information designated as Confidential by Defendants

pursuant to the protective order. In addition, Exhibit 1 was designated Confidential on its face

and both Exhibits 1 and 2 are designated by Defendants as for settlement purposes only.

Therefore, these portions of Monsanto's reply, and Exhibits 1 and 2 thereto, should be sealed.

Monsanto will also file a redacted version of its reply, with Exhibit 3 thereto, as part of the

public record.

WHEREFORE, Monsanto respectfully requests the Court enter an order allowing

Monsanto to file a complete, un-redacted copy of Monsanto's Reply in Support of its First

Motion to Compel, and Exhibits 1 and 2 thereto, under seal.

Dated: November 8, 2010

2

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Joseph P. Conran
Joseph P. Conran, E.D.Mo. # 21635MO
joe.conran@huschblackwell.com
Omri E. Praiss, E.D.Mo. # 41850MO
omri.praiss@huschblackwell.com
Greg G. Gutzler, E.D.Mo. # 48893MO
greg.gutzler@huschblackwell.com
Tamara M. Spicer, E.D.Mo. # 54037MO
tamara.spicer@huschblackwell.com
Steven M. Berezney, E.D.Mo. # 56091MO
steve.berezney@huschblackwell.com
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
(314) 480-1500 – telephone
(314) 480-1505 – facsimile

WINSTON & STRAWN LLP
Dan K. Webb
dwebb@winston.com
George C. Lombardi
glombardi@winston.com
Todd J. Ehlman
tehlman@winston.com
James M. Hilmert
jhilmert@winston.com
35 W. Wacker Drive, Suite 4200
Chicago, IL 60601
(312) 558-5600 – telephone
(312) 558-5700 – facsimile

John J. Rosenthal jrosenthal@winston.com Matthew A. Campbell macampbell@winston.com Jovial Wong jwong@winston.com 1700 K Street, N.W. Washington, DC 20006 (202) 282-5000 – telephone (202) 282-5100 – facsimile

Gail J. Standish gstandish@winston.com 333 South Grand Avenue Los Angeles, CA 90071-1543 (213) 615-1700 – telephone (213) 615-1750 – facsimile

MCDERMOTT WILL & EMERY

Steven G. Spears sspears@mwe.com Scott W. Clark sclark@mwe.com 1000 Louisiana Street, Suite 3900 Houston, TX 77002-5005 (713) 653-1700 – telephone (713) 739-7592 – facsimile

COVINGTON & BURLING LLP

Kurt G. Calia kcalia@cov.com 1201 Pennsylvania Avenue, NW Washington, DC 20004-2401 (202) 662-6000 – telephone (202 662-6291 – facsimile ARNOLD & PORTER LLP Anthony J. Franze anthony.franze@aporter.com 555 Twelfth Street, N.W. Washington, DC 20004 (202) 942-5000 – telephone (202) 942-5999 – facsimile

Attorneys for Plaintiff Monsanto Company and Monsanto Technology LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8th day of November, 2010, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

Andrew Rothschild, Esq. C. David Goerisch, Esq. Lewis, Rice & Fingersh, L.C. 600 Washington, Suite 2500 St. Louis, MO 63102

Leora Ben-Ami, Esq. Thomas F. Fleming, Esq. Christopher T. Jagoe, Esq. Howard S. Suh, Esq. Jeanna Wacker, Esq. Kaye Scholer LLP 425 Park Avenue New York, NY 10022

Donald L. Flexner, Esq. Hershel Wancjer, Esq. Cynthia Christian, Esq. Robert M. Cooper, Esq. Boies, Schiller & Flexner LLP 575 Lexington Avenue, 7th Fl. New York, NY 10022

James P. Denvir, Esq. Amy J. Mauser, Esq. Boies, Schiller & Flexner LLP 5301 Wisconsin Avenue, N.W. Washington, D.C. 20015

Attorneys for Defendants

/s/ Joseph P. Conran .